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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/055,379	01/25/2002	Mikio Watanabe	0879-0372P	7570
2292	7590	01/26/2006	EXAMINER	
BIRCH STEWART KOLASCH & BIRCH PO BOX 747 FALLS CHURCH, VA 22040-0747			BATES, KEVIN T	
			ART UNIT	PAPER NUMBER
			2155	
DATE MAILED: 01/26/2006				

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

10/055,379

Applicant(s)

WATANABE, MIKIO

Examiner

Kevin Bates

Art Unit

2155

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 24 October 2005.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-14 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-14 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

Response to Amendment

This Office Action is in response to a communication made on October 24, 2005.

Claims 1, 3, 9, and 13 have been amended.

Claims 1-14 are pending in this application.

Claim Objections

Claim 1 is objected to because of the following informalities: In line 8, the word buttons is misspelled as "buttions". Appropriate correction is required.

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claim 1 - 14 are rejected under 35 U.S.C. 103(a) as being unpatentable over Wright (6721802) in view of Ward (6784924).

Regarding claim 1, Wright teaches an image transmitting method for transmitting an image from a client computer to a service server (Column 3, lines 40 – 45), the method comprising:

enabling selection of the image to be transmitted (Column 10, lines 32 – 34);
obtaining image information limited by a destination service server (Column 4, lines 10 – 16);

determining whether the selected image has image information suitable for the limited image information;

performing image processing such that image information of the selected image is suitable for the limited image information when the image information of the selected image is unsuitable for the limited image information; and transmitting the selected image to the service server without any processing when the selected image has image information suitable for the limited image information, and

transmitting to the service server the selected image being subjected to image processing when the image information is unsuitable for the limited image information (Column 3, lines 50 – 58).

Wright does not explicitly indicate enabling selection of one of the plurality of menu buttons, wherein each of the plurality of menu buttons correspond to one of a plurality of service including an image storage service, an image print service, and a mobile phone service; enabling selection of a menu update button, which updates information associated with the plurality of menu buttons.

Ward teaches a system of transmitting selected images from a client to an image service (Column 1, lines 55 – 62). As part of Ward's system, Ward teaches enabling selection of one of the plurality of menu buttons, wherein each of the plurality of menu buttons correspond to one of a plurality of service (Column 3, lines 10 – 14) including an image storage service, an image print service (Column 3, lines 28 – 39), and a mobile phone service (Column 2, lines 5 – 11); enabling selection of a menu update button,

which updates information associated with the plurality of menu buttons (Column 2, lines 62 – 67).

It would have been obvious to one of ordinary skill in the art at the time the invention was made to use Ward's teaching as part of Wright, in order to allow the client in Wright to have easy to use means for connecting to various image services using the menu buttons found in Ward's client.

Regarding claim 7, Wright teaches that the client computer inquires image information limited by the destination service server prior to transmission of the selected image, and the client computer obtains the limited image information from the service server (Column 4, lines 4 – 16).

Regarding claim 13, Wright teaches an image transmitting system for transmitting an image from a client computer to a service server (Column 3, lines 40 – 45), the system comprising:

the client computer comprising:

an image selecting device which enables selection of the image to be transmitted (Column 10, lines 32 – 34);

an image information obtaining device which obtains image information limited by a destination service server (Column 4, lines 10 – 16);

a determining device which determines whether image information of an image selected by the image selecting device is suitable for image information obtained by the image information obtaining device;

an image processing device which processes the selected image such that image information of the selected image is suitable for the limited image information when image information of the selected image is unsuitable for the limited image information; and

a device which transmits a selected image to the service server without any processing when image information of the selected image is suitable for the limited image information, and which transmits to the service server the selected image processed by the image processing device when the image information is unsuitable for the limited image information (Column 3, lines 50 – 58); and

the service server comprising:

an image information storing device which stores image information limited by the service server;

a device which transmits image information stored in the image information storing device to the client computer in response to request for obtaining image information from the client computer (Column 4, lines 4 – 16); and

a device which receives a selected image transmitted from the client computer and performs image service on the selected image (Column 10, lines 38 – 42).

Wright does not explicitly indicate enabling selection of one of the plurality of menu buttons, wherein each of the plurality of menu buttons correspond to one of a plurality of service including an image storage service, an image print service, and a mobile phone service; enabling selection of a menu update button, which updates information associated with the plurality of menu buttons.

Ward teaches a system of transmitting selected images from a client to an image service (Column 1, lines 55 – 62). As part of Ward's system, Ward teaches enabling selection of one of the plurality of menu buttons, wherein each of the plurality of menu buttons correspond to one of a plurality of service (Column 3, lines 10 – 14) including an image storage service, an image print service (Column 3, lines 28 – 39), and a mobile phone service (Column 2, lines 5 – 11); enabling selection of a menu update button, which updates information associated with the plurality of menu buttons (Column 2, lines 62 – 67).

It would have been obvious to one of ordinary skill in the art at the time the invention was made to use Ward's teaching as part of Wright, in order to allow the client in Wright to have easy to use means for connecting to various image services using the menu buttons found in Ward's client.

Regarding claims 3 and 9, Wright in view of Ward teaches that the client computer starts predetermined image display programs to offer a list of images on a display (Column 10, lines 32 – 34),; the image to be transmitted is selected from the list of images by using a pointing device (Wright, Column 10, lines 20 – 21); and a desired menu button is selected from the plurality of menu buttons so that access is made to a service server corresponding to the selected menu button (Column 10, lines 38 – 42; Column 11, lines 7 – 12), where the image is uploaded to the server and many services can be used with that image such as items sales and auctions based on user specifics).

Wright does not explicitly indicate enabling selection of one of the plurality of menu buttons, wherein each of the plurality of menu buttons correspond to one of a plurality of service.

Ward teaches a system of transmitting selected images from a client to an image service (Column 1, lines 55 – 62). As part of Ward's system, Ward teaches enabling selection of one of the plurality of menu buttons, wherein each of the plurality of menu buttons correspond to one of a plurality of service (Column 3, lines 10 – 14).

It would have been obvious to one of ordinary skill in the art at the time the invention was made to use Ward's teaching as part of Wright, in order to allow the client in Wright to have easy to use means for connecting to various image services using the menu buttons found in Ward's client.

Regarding claims 5 and 11, Wright teaches that the image information limited by the destination service server is included in menu button information corresponding to the service server (Column 4, lines 46 – 55).

Regarding claims 2, 4, 6, 8, 10, 12, and 14, Wright teaches that the image information includes at least one of an image size, a file size, compressibility, an image format, and an image aspect ratio (Column 3, lines 62 – 63).

Response to Arguments

Applicant's arguments with respect to claims 1-14 have been considered but are moot in view of the new ground(s) of rejection.

Conclusion

Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Kevin Bates whose telephone number is (571) 272-3980. The examiner can normally be reached on 8 am - 4:30 pm.

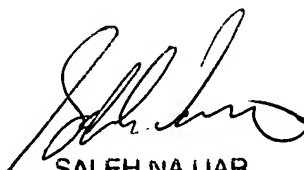
If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Saleh Najjar can be reached on (571) 272-4006. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

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Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

KB

KB
January 19, 2006



SALEH NAJJAR
SUPERVISORY PATENT EXAMINER